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March 22, 2022

VIA ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Felipe Rodriguez v. City of New York, et. al., 21 Civ. 1649 (AMD)(RLM)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sgt. George Zaroogian (Ret.) Det. John Beisel (Ret.), Det. John Califano (Ret.), Det. Jerry Fennel (Ret.) and John Wilde (Ret.) in the above referenced matter. The parties write jointly to respectfully request that discovery be extended as follows: 1) Completion of Fact Discovery-July 15, 2022 (presently April 29, 2022); 2) Plaintiff's expert disclosures-August 15, 2022 (presently June 1, 2022); 3) Defendants' expert disclosures-September 30, 2022 (presently July 17, 2022); 4) Completion of expert depositions-November 4, 2022 (presently August 19, 2022); 5) Pre-motion conference letters for summary judgment to Judge Donnelly-December 4, 2022 (presently September 23, 2022).

The parties have been diligently working to complete discovery and generally are working cooperatively. The parties have now largely completed all paper discovery in this case with the exception of a few follow up items and are now ready to begin depositions. As the Court is aware, since the parties' last status report, the original NYPD homicide file from over thirty years ago and containing about 1,600 pages of documents was found, copied and produced to the parties. That file contains certain documents which the parties did not previously have. Plaintiff's counsel also inspected the original file at the Queen's County District Attorney's Office. The parties also recently received Judge Donnelly's decisions on defendants' motions to dismiss and Your Honor's decision on plaintiff's motion to compel discovery.

Yesterday, Judge Donnelly executed the parties' stipulation which will allow certain depositions from the Court of Claims case to be used herein, which will narrow to a certain extent the need for certain depositions in this case and/or reduce the length of other depositions.

The parties recently conducted a "meet and confer" and identified approximately 13 depositions at this time that they wish to take in this case. The parties propose to begin those depositions the week of April 25th, shortly after the Court of Claims trial in the related case brought by plaintiff is completed, and are working to schedule those depositions. The Court of Claims trial is set for April 4th, counsel for the MTA defendants has an unrelated trial beginning May 4th and I just recently completed an unrelated trial in the E.D.N.Y.

The request for the extension of discovery as set forth above is also based on the continued reality that the events underlying this case took place over thirty years ago, which makes many aspects of discovery more time consuming than other cases. The additional time is needed for the parties to take depositions in this substantial case.

This is the second such request for the extension of certain discovery deadlines.

The parties also respectfully request that a settlement conference be set in this matter and respectfully suggest that May 23-25, 2022 would be dates that are convenient for the parties.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman
Mark D. Zuckerman
Senior Counsel

cc: All Counsel (via ECF)